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|--|-------------|----------------------|--------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
| 10/806,047   | 03/22/2004  | John Neil Cobb       | 1033-MS1020                    | 1540             |
| 60533 7590 01/30/2007<br>TOLER SCHAFFER, LLP<br>5000 PLAZA ON THE LAKES<br>SUITE 265<br>AUSTIN, TX 78746 |             |                      | EXAMINER.<br>VEILLARD, JACQUES |                  |
|  |             |                      | ART UNIT                       | PAPER NUMBER     |
|  |             |                      | 2165                           |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                  |                  |
| 3 MONTHS   |             | 01/30/2007           | PAPER                          |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/806,047

Applicant(s)

COBB ET AL.

Examiner

Jacques Veillard

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2165

### **DETAILED ACTION**

1. This action is responsive to the Applicant's communication filed on 12/06/2006.
2. Claims 1-28 are pending and presented for examination.

### ***Specification***

3. The amendment to the specification has been acknowledged.

### ***Response to Arguments***

4. Applicant's arguments, see the remarks, filed December 06, 2006, with respect to 1-28 have been fully considered and are persuasive.

The examiner made an inadvertent error in the previous rejection. Therefore, the statement of "obviousness-type double patenting" has been removed and replaced by "provisional-type double patenting", since the 10/635,419 application is not yet a patent.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2165

6. Claims 12-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-19 and 31-38 of U.S. co-pending application No. 10/635,419. This is **provisional-type** double patenting since the conflicting claim is not yet been patented.

7. The subject matter claimed in the instant application is fully disclosed in the U.S. co-pending application No. 10/635419 and would cover any patent granted on that U.S. co-pending application No. 10/635419 since the U.S. co-pending application No. 10/635419 and the instant application are claiming common subject matter. Although the conflict claim is not identical, it is not patentably distinct from each other because of the following reasons: Claim 12 of the instant application substantially recites the limitations of claim 12 of U.S. co-pending application No. 10/635419. The claim merely omits certain limitations and replaces the bolded limitation as shown in comparison table below.

| Co-pending application claim 12   | Instant application claim 12  |
|---|---|
| 12. A method of content management comprising:<br><br>receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence; | 12. A method of content management comprising:<br><br>receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence; |

|   |  |
|---|--|
| <p>storing the plurality of grammatical structured text entry elements in a data record associated with the content subject;</p> <p>converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements;</p> <p>and</p> <p>rendering an electronically displayable document using the structured format file, the electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence.</p> | <p>storing the plurality of grammatical structured text entry elements in a data record associated with the content subject, <b>the text entry elements configured in accordance with a structure based upon an audience profile;</b></p> <p>converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements;</p> <p>and</p> <p>rendering an electronically displayable document using the structured format file, the electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence, <b>the displayable document assembled in response to the audience</b></p> |
|---|--|

|  |                 |
|--|-----------------|
|  | <b>profile.</b> |
|  |                 |

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the steps as indicated claim 12 of U.S. co-pending application No. 10/635419 since the omission and addition of the cited limitations would have not changed the process according to which a method for content management comprising: receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence; storing the plurality of grammatical structured text entry elements in a data record associated with the content subject, the text entry elements configured in accordance with a structure based upon an audience profile; converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements; and rendering an electronically displayable document using the structured format file, the electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence, the displayable document assembled in response to the audience profile. Therefore, the ordinary skilled artisan would have also motivated to modify claim 12 of the instant application by adding the steps wherein *the text entry elements configured in accordance with a structure based upon an audience profile...*, the displayable document assembled in response to the audience profile. The cited omitting elements would not

Art Unit: 2165

interfere with the functionality of the steps previously claimed and would perform the same function. *In re karlson*, 136 USPQ 184 CCPA 1963).

The dependent claims 13-20 of the instant application are rejected for fully incorporating the errors of the respective base claim by dependency.

#### ***Allowable Subject Matter***

8. The application has been thoroughly reviewed, upon searching a variety of databases, the examiner respectfully submits that claims 1-11 are allowable in light of the prior art made of record.

#### ***Reasons for Indicating Allowable Subject matter***

9. The following is an examiner's statement of reasons for allowance: Upon searching a variety of databases, the examiner submits that --management system containing a plurality of grammatical syntax elements having a rhetorical structure to facilitate selective assembly into at least one sentence with an audience profile stored in a memory, wherein the audience profile including a plurality of audience factors related to desired presentation of a content subject-- as embodied in independent claim 1, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

#### ***Other Prior Art Made Of Record***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office

Art Unit: 2165

actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

### *Points Of Contact*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

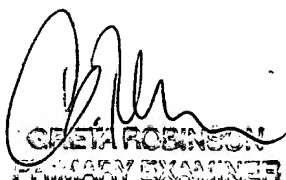
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jacques Veillard  
Patent Examiner TC 2100

January 23, 2007



CHETA ROBINSON  
PRIMARY EXAMINER